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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
08 AT SEATTLE

09 UNITED STATES OF AMERICA,)
10) Case No. CR02-241-TSZ
11)
12) SUMMARY REPORT OF U.S.
13) MAGISTRATE JUDGE AS TO
) ALLEGED VIOLATIONS
) OF SUPERVISED RELEASE
)
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14 An initial hearing on petitions for violations of supervised release in this case was
15 scheduled before the undersigned Magistrate Judge on April 23, 2008. The United States was
16 represented by Assistant United States Attorney Bruce Miyake, and the defendant by Mr.
17 Terrence Kellogg. The proceedings were digitally recorded.

18 The defendant had been charged and convicted of Bank Robbery (4 counts), in
19 violation of 18 U.S.C. § 2113(a) and on or about November 8, 2002, was sentenced by the
20 Honorable Thomas S. Zilly to fifty-one (51) months in custody, to be followed by three (3)
21 years of supervised release.

22 The conditions of supervised release included the requirements that the defendant
23 comply with all local, state, and federal laws, and with the standard conditions. Special
24 conditions imposed included, but were not limited to, participation in a substance abuse
25 program, financial disclosure, \$4,778 restitution, mental health program, submit to search,
26 credit prohibition, up to 180 days in Residential Reentry Center.

In a Petitions for Warrants or Summons dated January 25, 2008 and April 27, 2008, U.S. Probation Officer Brian K. Facklam alleged the following violations by defendant of the conditions of his supervised release:

- (1) Failing to reside in and satisfactorily participate in a residential reentry center program for up to 180 days, in violation of the special condition requiring that he do so.
- (2) Committing the law violation of bank robbery on or about August 17, 2007, in violation of the general condition of supervised release that he not commit another federal, state, or local crime.

On April 23, 2008 defendant made his initial appearance. Defendant was advised of the allegations and of his rights. Defendant denied violation 1 but admitted to violation 2.

I therefore recommend that the Court find the defendant to have violated the terms and conditions of his supervised release as to violation 2, and recommend the Court conduct an evidentiary hearing on alleged violation 1, combined with a disposition hearing on admitted violation 2. An evidentiary hearing on violation 1 and a disposition hearing on violation 2 have been set before the Honorable Thomas S. Zilly on May 15, 2008 at 1:30 p.m.

Pending a final determination by the Court, the defendant has been detained.

DATED this 25th day of April, 2008.



JAMES P. DONOHUE
United States Magistrate Judge

cc: District Judge: Honorable Thomas S. Zilly
AUSA: Mr. Bruce Miyake
Defendant's attorney: Mr. Terrence Kellogg
Probation officer: Mr. Brian K. Facklam